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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,355	12/14/2000	Rabindranath Dutta	AUS920000566US1	8927
7590	12/15/2004		EXAMINER	
BRACEWELL & PATTERSON, L.L.P. INTELLECTUAL PROPERTY LAW P. O. BOX 969 Austin, TX 78767-0969			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/736,355	DUTTA, RABINDRANATH
	Examiner Alain L. Bashore	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-30-01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-19 recite "system" which is vague and indefinite since the common meaning of the term does not clearly determine the statutory class of invention. Since the term system may encompass more than one statutory class, there is a requirement for an indication on the record as to what statutory class of invention the "system" claims belong to (see MPEP 2106.IV.B). The statutory provision for this requirement may be found in 35 U.S.C 101 that recites the statutory classes of invention.

For the purposes of this examination these claims are considered apparatus.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al in view of Schuette.

DeLorme et al discloses a reservation method including inputting a reservation request into a reservation system (col 15, lines 14-55) from a location via a graphical user interface (col 25, lines 35-51). Electronic payment for a selected reservation period is provided. A reservation coupon is received which includes an identifying bar code to be read when the reservation coupon travels thorough an entrance and exit of the location (col 8, lines 57-65). Bidding is disclosed for the reservations (col 8, lines 51-52), and is an Internet connection.

DeLorme et al does not disclose:

reserving spaces at a location further as parking spaces; and,  
a valet option.

Schuette discloses reserving parking spaces and further a valet option (col 2, lines 20-41).

It would have been obvious to one with ordinary skill in the art to include reserving parking spaces because DeLorme et al teaches the importance of parking locations (col 16, line 22).

It would have been obvious to one with ordinary skill in the art to include a valet option because Schuette teaches valet parking as growing in popularity (col 1, lines 25-32).

5. Claims 8-14, 18-22, 24-28, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al in view of Schuette in further view of Yoshida.

DeLorme et al and Schuette disclose what is described in the previous rejection.

DeLorme et al and Schuette do not disclose an availability utility that determines whether a space is available.

Yoshida discloses an availability utility that determines whether a space is available (see abstract).

It would have been obvious to one with ordinary skill in the art to include an availability utility that determines whether a space is available because Yoshida teaches that parking facilities may be indicated as with space available (col 1, lines 16-29).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al in view of Schuette as applied to claims above, and further in view of Wong.

Claims 15-17, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al in view of Schuette in further view of Yoshida as applied to claims above, and further in view of Wong.

DeLorme et al, Schuette, and Yoshida do not disclose extending the reservation period with payment, or adjusting utility for high reservation periods.

Wong discloses extending the reservation period with payment and adjusting utility for high reservation periods (col 1, lines 17-25).

It would have been obvious to one with ordinary skill in the art to include extending the reservation period with payment because Wong teaches that parking reservation may be extended because of poor estimation of time required (col 1, lines 31-39).

It would have been obvious to one with ordinary skill in the art to include adjusting utility for high reservation periods because Wong teaches that reasonable fee schedules are obtained when taking into account such periods (col 1, lines 45-50),

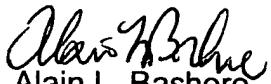
***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore  
Primary Examiner  
Art Unit 3624